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Agenda items 17 and 124

Information and communications technologies for development

Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the resolution entitled "Democracy in the digital era and the threat to privacy and individual freedoms", adopted unanimously on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 17 and 124.

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Please recycle

Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

[Original: English and French]

Democracy in the digital era and the threat to privacy and individual freedoms

Resolution adopted unanimously on 21 October 2015 by the 133rd Assembly of the Inter-Parliamentary Union, held in Geneva,

The 133rd Assembly of the Inter-Parliamentary Union,

Recalling the guiding principles of the Charter of the United Nations,

Also recalling the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Further recalling the resolution The role of parliaments in striking a balance between national security, human security and individual freedoms, and in averting the threat to democracy adopted by the 118th IPU Assembly (Cape Town, April 2008),

Noting United Nations General Assembly Resolution 69/166 The right to privacy in the digital age of 18 December 2014,

Also noting the report of the United Nations High Commissioner for Human Rights on the right to privacy in the digital age,

Recalling the United Nations Guiding Principles on Business and Human Rights, and bearing in mind that civil society and business entities can play an important role in either enhancing or diminishing the enjoyment of human rights, including the right to privacy and freedom of expression in the digital era,

Considering that fundamental rights also apply in cyberspace,

Acknowledging the interdependence between democracy and the right to privacy, freedom of expression and information and an open and free Internet, and in view of the universal recognition of the right to privacy, its protection in international law and the expectations of citizens around the world that the right to privacy is safeguarded both in law and in practice,

Also acknowledging that, in the area of digital surveillance, it is not enough simply to adopt and enforce legislation and that procedural safeguards are sometimes weak and oversight ineffective,

Expressing concern that mass surveillance programmes regarding digital communications and other forms of digital expression constitute violations of the right to privacy, including when conducted extraterritorially, and endanger the rights to freedom of expression and information, as well as other fundamental human rights, including the rights to freedom of peaceful assembly and of association, thus undermining participative democracy,

Acknowledging the need for capacity-building, for the empowerment of parliamentarians and parliamentary specialized bodies in the identification of legislative gaps, for the enactment of legislation dealing with the protection of human rights, including the right to privacy, and for the prevention of the violation of such rights,

Affirming the responsibility of parliaments to establish, in line with international principles and undertakings, a comprehensive legal framework to exercise effective oversight of the actions of government agencies and/or surveillance agencies acting on their behalf, and to ensure accountability for all violations of human rights and individual freedoms,

Expressing the need to engage and consult with all relevant stakeholders, including civil society groups, academia, the technical community and the private sector on policy-making related to the digital era,

Acknowledging the importance and expertise of national human rights institutions, non-governmental organizations and human rights advocates, and their role in monitoring, policy-making, consultation and awareness-raising, and welcoming greater cooperation between these organizations and advocates, parliaments and parliamentarians worldwide,

Taking note of the work and contribution of these entities, such as the International Principles on the Application of Human Rights to Communications Surveillance (the Necessary and Proportionate Principles), endorsed by more than 400 non-governmental organizations and the Global Network Initiative,

Affirming the need for secure and uncompromised systems of communication for the public good and the protection of basic rights,

Considering the findings of the report of the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on the use of encryption and anonymity,

Recognizing the contribution of parliaments to, and their impact on, decisions facilitating the national and international consensus needed for concerted and effective action on these issues,

1. *Calls on* parliaments to take part in the development and implementation of an overall strategy to enable in the long run the whole population to enjoy the considerable benefits that the Internet can bring to economic, social, cultural and environmental life in order to achieve the Sustainable Development Goals adopted by the United Nations;

2. *Underlines* that this overall strategy should aim both legally and ethically to build a digital ecosystem that is capable of guaranteeing the same rights to all citizens and ensuring that their freedom is effectively protected, particularly in terms of educating all people in digital know-how, and ensuring an equity between actors that will avoid any abuse of a dominant position;

3. *Underscores* that all legislation in the field of surveillance, privacy and personal data must be based on the principles of legitimacy, legality, transparency, proportionality, necessity and the rule of law;

4. *Calls on* parliaments to review their national frameworks and State practices with a view to promoting and increasing public participation and

involvement in the digital era, free exchange of information, knowledge and ideas and equal access to the Internet and, with a view to enhancing democracy in the 21st century, encourages parliaments to remove all legal limitations on freedom of expression and the flow of information and to uphold the principle of Net neutrality;

5. *Urges* parliaments to carefully review national laws and the practices of government agencies and/or surveillance organizations acting on their behalf so as to make sure that they comply with international law and human rights, especially as they relate to the right to privacy, and calls on parliaments to guarantee, as part of that review, that private and public companies will not be forced to cooperate with the authorities on practices that impair their customers' human rights, with the exceptions provided for in international human rights law;

6. *Calls on* parliaments to ensure that national legal frameworks comply fully with international human rights law when applied to interception, analysis, collection, storage and commercial use of data and to share reviews and information from individual States and the IPU on related cases;

7. *Urges* parliaments to review their legislation in order to prohibit the interception, collection, analysis and storage of personal data, including when those actions are of an extraterritorial or bulk nature, without the informed consent of the individuals concerned or a valid order granted by an independent court on grounds of reasonable suspicion of the targets' involvement in criminal activity;

8. *Underscores* that privacy protections must be consistent across domestic and international borders and calls on parliaments to make sure that privacy protections in national law cannot be bypassed by reliance on secretive and informal data-sharing agreements with foreign States or multinationals;

9. *Calls on* parliaments to enact comprehensive legislation on data protection, for both the public and private sectors, providing, at the minimum, for strict conditions regarding permission to intercept, collect, analyse and store data, for clear and precise limitations on the use of intercepted and collected data, and for security measures that ensure the safest possible preservation, anonymity and proper and permanent destruction of data; and recommends the establishment of independent and effective national data-protection bodies with the necessary power to review practices and address complaints, while further urging parliaments to ensure that their national legal frameworks on data protection are in full compliance with international law and human rights standards, making sure that the same rights apply to both offline and online activities;

10. *Also calls on* parliaments to ensure through legal means that all collaboration on various surveillance programmes between governments and companies, entities and all other organizations is subject to parliamentary oversight, insofar as it does not hamper the conduct of criminal investigations;

11. *Further calls on* national parliaments and governments to encourage the private technology sector to honour its obligations to respect human rights, bearing in mind the Guiding Principles on Human Rights and Business, as customers of these companies must be fully informed of how their data is being gathered, stored, used and shared with others, and further calls on parliaments to promote both global norms on user agreements and more development of user-friendly data-protection techniques which counter all threats to Internet security;

12. *Urges* parliaments to reject the interception of telecommunications and espionage activities by any State or non-state actor involved in any action, which negatively affects international peace and security, as well as civil and political rights, especially those enshrined in Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights, which states that "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence" and that "everyone has the right to the protection of the law against such interference or attacks";

13. *Recognizes* the need for parliaments to specify, in relative detail, the circumstances under which any interference with the right to privacy may be permitted, to establish strict judicial procedures for the authorization of communications surveillance and to monitor the implementation of those procedures, limits on the duration of surveillance, security and storage of the data collected, and safeguards against abuse;

14. *Emphasizes* that while national security arguments will invariably be advanced that diverse digital technology tools may threaten the security and well-being of a State, parliaments need to review their capacity to oversee all executive action and ensure that a balance is struck between national security and individual freedoms so as to ensure that measures taken in the name of national security and counter-terrorism comply strictly with human rights, and avert any threats to democracy and human rights;

15. *Strongly urges* parliaments to review and establish effective, independent and impartial oversight mechanisms where needed and include them in the legal framework; stresses that parliaments must investigate any shortcomings in their oversight function and the reasons behind them, making sure that their oversight bodies, such as parliamentary committees and parliamentary ombudsmen, have sufficient resources, proper authorizations and the requisite authority to review and publicly report on the actions of government agencies and/or surveillance agencies acting on their behalf, including actions in cooperation with foreign bodies through the exchange of information or joint operations;

16. *Calls on* parliaments to acknowledge that civil society and public participation can play a vital role in monitoring the executive branch and encourages parliaments and parliamentarians to promote and engage in consultation and to welcome assistance from all stakeholders, including national human rights institutions, the private sector, civil society, the technical community, the academic community and users, in their monitoring, policy-making and policy implementation efforts;

17. *Strongly urges* parliaments to ensure that attempts to restrict democratic voices online, including journalists, other media actors and human rights defenders, through imprisonment, harassment, censorship, hacking, illicit filtering, blocking, monitoring and other repressive means are strictly forbidden in national legislation in accordance with international human rights law, treaties and conventions;

18. *Strongly recommends* that parliaments, as part of their oversight function, enact coherent and comprehensive legislation on the protection of whistle-blowers in line with international standards and best practices;

19. *Calls on* parliaments to uphold both governmental and corporate accountability for violations of human rights, such as the right to physical and

psychological integrity, the right to privacy, freedom of expression and other individual freedoms, so that such accountability includes adequate sanctions to ensure justice and to act as a deterrent, including criminal prosecution, administrative fines, suspension or withdrawal of business licences, and the payment of reparation to individuals for harm caused;

20. *Also calls on* parliaments to ensure that the necessary legal and administrative measures are taken to combat trafficking in persons perpetrated through the Internet, and to combat gender-based harassment and cyber-violence that targets, in particular, women and children;

21. *Underscores* the right to effective remedy for victims of violations of the right to privacy and other individual freedoms and calls on parliaments to provide for procedural safeguards in law, thereby facilitating access to duly implemented remedies;

22. *Strongly urges* parliaments to enable the protection of information in cyberspace and associated infrastructure, so as to safeguard the privacy and individual freedom of citizens by developing formal as well as informal cooperation and relationships among nations to exchange information and share experiences; further calls on parliaments to carry out technical and procedural cooperation as well as to collaborate in order to mitigate the risk of cyber-crimes and cyber-attacks and, in this context, to modernize mutual legal agreements so as to address the multidimensional challenges of the digital era, including speed of response;

23. *Welcomes* the appointment of the United Nations Special Rapporteur on the right to privacy and calls on the IPU to initiate a dialogue with him as well as the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the United Nations Special Rapporteur on the situation of human rights defenders and the United Nations Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and to work with them to produce a compilation of best legislative practices in this field;

24. *Calls on* Parliaments to ensure that their respective governments cooperate fully with the United Nations Special Rapporteurs on the right to privacy, on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders and on the promotion and protection of human rights and fundamental freedoms while countering terrorism, including in relation to challenges arising in the digital age; invites parliaments to keep themselves informed of the Rapporteurs' recommendations, and to provide the necessary legislative framework for their implementation, as appropriate;

25. *Invites* the IPU to develop — in cooperation with relevant stakeholders, including international and regional organizations, civil society and human rights experts — capacity-building programmes for parliamentary bodies tasked to oversee observance of the right to privacy and individual freedoms in the digital environment.

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Return or restitution of cultural property to the countries of origin

Culture of peace

Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the resolution entitled "Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity", adopted unanimously on 23 March 2016 by the 134th Assembly of the Inter-Parliamentary Union, held in Lusaka (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 10, 16 and 124.

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Please recycle

Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

[Original: English and French]

Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity

Resolution adopted unanimously on 23 March 2016 by the 134th Assembly of the Inter-Parliamentary Union, held in Lusaka

The 134th Assembly of the Inter-Parliamentary Union,

Recalling that several UNESCO Conventions already provide an international legal framework for the protection of heritage,

Also recalling the working paper on "Ensuring lasting protection against destruction and deterioration for the tangible and intangible cultural heritage of humanity", which highlights the need for further mechanisms to protect this legacy, and which also mentions the nine main challenges referred to below,[1]

Armed conflict and terrorism

Noting that, in situations of armed conflict, there is an almost systematic destruction of cultural heritage, whether as collateral damage or intentional destruction,

Recalling that the Convention for the Protection of Cultural Property in the Event of Armed Conflict (the 1954 Hague Convention) and its two Protocols already provide for the protection of cultural property in the event of armed conflict and are an integral part of international humanitarian law,

Regretting that too few States have ratified those instruments, particularly the Second Protocol, which includes provisions in particular for preventive measures to protect cultural heritage and to enhance that protection,

Strongly condemning all acts of intentional destruction of cultural heritage, and recalling that Article 8.2 of the Rome Statute of the International Criminal Court defines such destruction, under certain circumstances, as a war crime, while Article 15 of the Second Protocol to the 1954 Hague Convention considers it an offence,

Looting, illicit trafficking and funding terrorism

Recalling that looting and illicit trafficking of cultural items are widespread in countries where there is a rich archaeological heritage and where there is either a weak legal and institutional framework or where these activities are considered a significant source of income, and emphasizing the importance of international parliamentary cooperation to combat theft, smuggling and trade in cultural heritage, as well as the funding of terrorism, and the need to enact appropriate laws prohibiting such acts,

[1] http://www.ipu.org/conf-f/133/2cmt-DESTEXHE.pdf.

Also recalling that United Nations Security Council resolution 2199 (2015), as well as other relevant Security Council and IPU resolutions, establish a direct link between illicit trafficking of cultural items and the funding of terrorism,

Underscoring the need to ensure that there is a mechanism in place to adequately protect underwater cultural heritage against intensive and systematic looting premised on the logic that those who first discover underwater heritage automatically become its owner,

Mass tourism

Convinced that cultural heritage constitutes a unique tourist attraction and that mass tourism can be both promising for economic development and damaging for our heritage,

Emphasizing the need to evaluate cultural heritage assets against sustainable development evaluation standards,

Noting that mass tourism can have adverse impacts on parts of our heritage that are ill-suited to deal with such large numbers of visitors,

Recalling that tourists have a duty to maintain and preserve our common heritage, which should help to create visiting conditions that allow each and every one to respect that heritage and at the same time avoid using it inappropriately or untowardly,

Also recalling that the necessary balance between encouraging tourism and preserving cultural heritage can only be struck by ensuring the development of "sustainable tourism and conservation practices",

Population growth and urbanization

Noting that population growth and concentration lead to urbanization policies that are likely to seriously damage heritage and its surrounding environment,

Considering that spatial planning must be integrated into a sustainable and balanced development approach that reconciles socioeconomic development, in particular regarding tourism, and the conservation and protection of historical and natural heritage,

Enhancing awareness

Recognizing the importance of raising awareness from an early age among individuals and communities about the importance of preserving our cultural heritage, so as to trigger a process of assuming responsibility for prevention of deterioration and destruction that jeopardize our cultural heritage,

Also recognizing the value of developing scientific research and postgraduate studies in the field of urban heritage, so as to train national cadres and create a comprehensive database of urban heritage, which would include all related data and studies, along with efforts to educate the public and raise awareness of urban heritage, its importance and need for its development,

Conservation of heritage

Insisting on the imperative that must prevail in the choice of restoration techniques and materials used, as well as the qualification and training of persons entrusted with undertaking such work, so as to prevent any restoration company from causing irreversible damage to heritage or works of art,

Considering the positive role that the conservation and restoration of heritage can play in fostering nations' understanding of their history and identity and, through recognition of humanity's common heritage, mutual respect among peoples and recognition of the diversity and equal dignity of the world's cultures,

Globalization

Also considering that one of the effects of globalization is the standardization and homogenization of all facets of heritage, which particularly threatens the safeguarding of intangible cultural heritage,

Climate change and pollution

Recognizing that climate change, natural disasters and man-made disasters can have a negative impact on tangible, intangible and underwater cultural heritage,

Considering that strengthening efforts deployed to protect and conserve humanity's natural and cultural heritage is part of the targets of the Sustainable Development Goals, to be achieved by 2030 (SDGs target 11.4) adopted by the Member States of the United Nations (UN) in 2015, and expressing the wish to implement what was agreed at the UN Climate Change Conference in Paris,

Nominations for the World Heritage List

Recalling that greater protection can be provided to items declared and listed as national heritage, and that States should be made aware of that fact,

Underscoring the need to protect heritage as a whole, whether listed or not, against common threats,

Recognizing the importance of cultural heritage as a strategic resource to ensure sustainable development, and convinced that efforts aimed at safeguarding cultural heritage should be fully integrated into development plans, policies and programmes at all levels,

Welcoming the work already done in response to those threats by UNESCO as well as by all international, national and local bodies and organizations as well as natural and legal persons working in the field of cultural heritage,

Recalling that, in order to avoid duplication, all the legal instruments relating to heritage should constitute a coherent whole rather than merely exist in parallel,

Considering that parliaments have important powers to lead, legislate and oversee government action in order to enable the recommendations below to be effectively implemented,

Armed conflict and terrorism

1. *Urges* States to become party to and incorporate into their national legal framework the 1954 Hague Convention and its two Protocols as applicable;

2 *Encourages* parliaments to adopt comprehensive regulations that provide for measures to protect cultural property in cases of armed conflict, disaster or emergency situation;

3. *Requests* parliaments to ensure that all parties to armed conflict respect cultural property in accordance with the rules of international humanitarian law and the legal framework established by conventions governing cultural matters that they have ratified;

4. *Recommends* the establishment of mechanisms needed to systematically prosecute the perpetrators of acts of destruction of cultural heritage and also recommends that intentional acts of destruction should be defined as a war crime, according to Article 8.2 of the Rome Statute and in line with United Nations Security Council resolution 2199, and similarly the Geneva Conventions and their Additional Protocols, as applicable;

5. *Emphasizes* in this regard the importance of developing a framework for cooperation with international criminal justice bodies and of facilitating the development of inter-State judicial cooperation procedures, which is essential for the prosecution of the perpetrators of the most serious crimes;

6. *Encourages* parliaments to advocate for greater efforts to be made in training staff at museums and other institutions in which cultural heritage is kept so that, in times of war, natural disaster or major emergency, they are able to determine the priorities and modalities for protecting and keeping it safe as a matter of urgency;

7. *Invites* parliaments to legislate in order to anticipate situations of potential armed conflict, by establishing an inventory and an emergency plan for the storage or evacuation of tangible heritage and for the protection of built heritage;

8. *Proposes* to include the protection of cultural and historical sites in multilateral peacekeeping operations;

Looting, illicit trafficking and funding terrorism

9. *Calls upon* States to become party to the 1970 UNESCO Convention,[2] the Convention on the Protection of the Underwater Cultural Heritage (2001), and the UNIDROIT Convention (1995) and to transpose the provisions of these instruments into the national legal framework;[3]

10. *Recommends* that parliaments ensure that States keep an inventory of all significant heritage in the broadest sense, to record the entire inventory on microfiche and/or CD ROM and to keep several secure copies;

11. *Also recommends* that, on the basis of the inventory, that conditions be created to ensure that regular studies are conducted and that complaints of looting can be followed up;

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[2] Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970).

[3] UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects (1995).

12. *Invites* parliaments to establish a national body to combat trafficking in cultural property whose mandate would extend to looting within countries' national borders and on the high seas;

13. *Requests* each parliament to ensure that records are established for professional art dealers, which should indicate the origin of the items they purchase;

14. *Strongly urges* parliaments to recommend that all necessary efforts, including the establishment of special police and customs units be made to combat the theft of and suppress illicit trafficking in cultural property;

15. *Encourages* parliaments to support all bilateral or international cooperation initiatives in collaboration with Interpol and the World Customs Organization;

16. *Also encourages* parliaments to advocate for the effective implementation of United Nations Security Council resolution 2199, which establishes linkages between the illicit trafficking of cultural objects and the funding of terrorism;

17. *Invites* parliaments to adopt legislation or administrative mechanisms consistent with the practical tool entitled "Basic Actions Concerning Cultural Objects Being Offered for Sale Over the Internet" developed by UNESCO with Interpol and the International Council of Museums;

18. *Recommends* that parliaments, especially those of importing countries, advocate for a monitoring system to be established, which would relate to the movement of cultural property and which would include a system of export certificates, without which it would constitute a criminal offence for cultural property to be moved out of a country of origin or moved into another country;

19. *Also recommends* that urgent measures be adopted to prohibit imports when the heritage of a State Party is seriously threatened by intense looting of archaeological and ethnological materials;

Mass tourism

20. *Invites* parliaments to take appropriate action in order to establish a system to regulate the numbers of tourists, using a daily visitor quota with time slots, after first having determined the cultural heritage to which such a system should apply;

21. *Encourages* the more systematic establishment of protection perimeters to prevent permanent or long-term damage to the country's physical, cultural and environmental heritage;

22. *Requests* parliaments to consider the possibility of limiting the number of people visiting national museums and the most frequently visited sites, so as to both protect heritage and maintain the quality of visits;

23. *Invites* parliaments to engage in consultations with museum authorities and other authorities in charge of cultural heritage in order to ensure that they are not only pursuing economic goals, but also doing all they can to ensure the quality of visits, the protection of objects and awareness of the cultural heritage on exhibit;

24. *Also invites* parliaments to establish policy and guidelines for sustainable tourism development, which will also look into the issue of tourist guards/police among others and, in particular, language training;

Population growth and urbanization

25. *Further invites* parliaments to insist that impact assessments be systematically carried out in their respective countries wherever projects alter the environment that surrounds cultural heritage and to adopt legislative provisions aimed at establishing a protective perimeter around the most striking monuments and the creation of protected zones in neighbourhoods that stand out for their historical or esthetical character;

26. *Endeavours* to ensure respect for and enhanced recognition of cultural heritage in society, in respective educational systems and policies;

Enhancing awareness

27. *Strongly recommends* that awareness-raising efforts be made in relation to the respect for and protection of heritage in school curricula and military training programmes;

28. *Invites* parliaments to promote public awareness-raising events, such as heritage days, and to encourage all public and private initiatives that form part of the International Day for Monuments and Sites dedicated to World Heritage on 18 April;

29. *Encourages* parliaments to draft and adopt national information plans on historical heritage, including training and information activities;

30. *Invites* parliaments to promote citizen participation in the process of managing heritage in line with the strategy of the Council of Europe Framework Convention on the Value of Cultural Heritage for Society (the Faro Convention);

31. *Requests* that parliaments insist on the implementation of preventive and protective measures when heritage is in danger in parallel with measures aimed at restoring and/or repairing of cultural property;

32. *Invites* parliaments to ensure that background information is made available to citizens on tangible, intangible and underwater cultural heritage located in their countries;

Conservation of heritage

33. *Encourages* parliaments to do everything possible to foster and organize high-level training on the conservation and protection of cultural heritage in all its forms, and facilitate capacity-building activities for their safeguarding;

34. *Also encourages* parliaments to promote the regular maintenance of the heritage of their country;

35. *Further encourages* States to adopt legislation to protect historical monuments and the most striking buildings from a historical or architectural point of view; such legislation would make their demolition, displacement or restoration subject to authorization by the authorities responsible for the protection of historical monuments; it would also ensure that the overall management of the work is

entrusted to certified professionals based on their skills; it would authorize the administrative authority to oblige the property owner to undertake the necessary work in order to conserve the monument, in exchange for the State's participation in the restoration costs;

36. *Calls upon* parliaments to foster the development of training for technicians and experts in the conservation and restoration of tangible and intangible assets that make up cultural heritage, as well as to promote programmes, scholarships and international forums for the exchange of knowledge and discussion on topical issues related to cultural heritage;

37. *Also calls upon* parliaments to ensure that, where large-scale restoration projects occur, they receive automatic support from networks of national and international experts, including governmental organizations, educational and research institutions, and the private sector, so that an assessment can be made of best techniques to be used;

Climate change and pollution

38. *Recommends* that consultations with experts take place, including with specialists in cultural heritage and traditional construction techniques, in order to plan for climate change and its effects on cultural heritage, as well as to include traditional knowledge and techniques in conservation plans;

39. *Also recommends* that parliaments do the needful to ensure that consultations on the impact of climate change on cultural property also take into account external factors linked to lifestyle, such as pollution, which compound the primary impacts and thus cannot be disregarded;

40. *Encourages* the establishment both of national listed heritage assessments and of potential climate-change-related risks in order to take measures to limit them;

41. *Calls for* enhanced awareness-raising activities all over the world so as to prevent harmful environmental practices in order to mitigate the effects of climate change and protect heritage;

Nominations for world heritage lists

42. *Encourages* efforts to raise the awareness of the authorities of each country about the potential interests of registering elements of cultural heritage located inside their borders on the UNESCO World Heritage List and therefore include, in their Tentative Lists, the names of those properties which they consider to be cultural and/or natural heritage of outstanding universal value;

43. *Urges* parliaments to do everything possible to assess whether, in accordance with the Second Protocol to the 1954 Hague Convention, certain segments of heritage should benefit from higher levels of protection;

44. *Strongly urges* States to become party to the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003) as well as the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) to fully complement the set of the international standard-setting instruments dedicated to the safeguarding of cultural heritage and diversity;

45. *Recommends* that parliaments encourage their governments to support other countries by providing them, where necessary, with assistance in training in and awareness-raising about the importance of conserving cultural property, what steps to take with regard to UNESCO and exchange of good practices related to the protection of cultural property;

46. *Also recommends* that parliaments remind their governments that registering cultural property on the UNESCO List should be motivated by objective criteria and be limited to those assets that present a real and universal heritage interest, without any concern for the geographical balance of properties between countries or continents or political considerations, without which this List would risk becoming endless and would lose its initial purpose.

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Promotion and protection of the rights of children

The rule of law at the national and international levels

Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union

Note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of Bangladesh to the United Nations presents its compliments to the Secretary-General and, on behalf of Bangladesh in its capacity as Chair of the Governing Council of the Inter-Parliamentary Union, has the honour to transmit herewith the text of the resolution entitled "Giving an identity to the 230 million children without a civil status: one of the major challenges of the humanitarian crisis in the twenty-first century", adopted unanimously on 23 March 2016 by the 134th Assembly of the Inter-Parliamentary Union, held in Lusaka (see annex).

The Permanent Mission requests that the present note verbale and its annex be circulated as a document of the General Assembly, under agenda items 68, 85 and 124.

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Please recycle

Annex to the note verbale dated 20 April 2016 from the Permanent Mission of Bangladesh to the United Nations addressed to the Secretary-General

[Original: English and French]

Giving an identity to the 230 million children without a civil status: one of the major challenges of the humanitarian crisis in the twenty-first century

Resolution adopted unanimously on 23 March 2016 by the 134th Assembly of the Inter-Parliamentary Union, held in Lusaka

The 134th Assembly of the Inter-Parliamentary Union,

Alarmed by the existence, according to UNICEF estimates, of more than 230 million children under five years of age without a legal identity because they were not registered at birth and by the fact that one in every seven children registered in the world does not have a birth certificate attesting to his/her legal identity,

Observing that without a civil status, these children are severely hampered throughout their lives (unable to go to school, vote, marry, receive welfare benefits, inherit, etc.) and fall victim to trafficking (illegal adoption, prostitution and criminal networks), which is further exacerbated in situations of humanitarian crisis,

Considering that having a reliable, comprehensive and lasting civil registry is a necessary prerequisite for drawing up credible electoral lists and, as a consequence, the legitimacy of electoral processes,

Concerned about the "black holes" in statistics caused by the absence of registration of these children, which disrupts the planning and the management of public services for children,

Recalling different provisions and instruments under international law, in particular:

- Article 24, paragraph 2, of the International Covenant on Civil and Political Rights adopted on 16 December 1966 by the UN General Assembly,
- Article 7, paragraph 1, of the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989,
- Goal 16 of the Sustainable Development Goals, which the IPU fully supports, including target 16.9, "By 2030, provide legal identity for all, including birth registration",
- The Geneva Conventions of 1949 and their Protocols, especially the Fourth Convention relative to the Protection of Civilian Persons in Time of War,
- The 1977 Protocol relating to the Protection of Victims of International Armed Conflicts,

Also alarmed by the tremendous impact of humanitarian crises, particularly in situations of conflict, on the most vulnerable groups, especially women and children,

Convinced of the absolute need to fully meet the needs of those children in terms of assistance and protection through the mandates of peacemaking, peacekeeping and peacebuilding operations,

1. *Calls on* parliaments to request their governments to put in place measures to inform parents of the need to register children at birth and remove all barriers to the registration of children in registry offices regardless of nationality, race, ethnicity, language, religion or social status;

2. *Requests* parliaments to adopt laws to ensure the issuance of birth certificates free of charge or, at least, to reduce to a minimum the cost of birth registration;

3. *Calls for* registry offices to be set up as close as possible to homes by distributing them throughout the country with as a wide coverage as possible;

4. *Recommends* that parliaments take measures to allow women to register births;

5. *Calls for* support for the implementation of applications for mobile devices that allow authorized persons (e.g. midwives, village leaders and school principals) to register births;

6. *Invites* parliaments to promote campaigns on regularizing the status of children without a legal identity through roving public hearings that move from village to village;

7. *Calls on* parliaments to ensure adequate funding for civil registry, including moving towards the digitization of registration where possible;

8. *Urges* in particular parties to armed conflict to respect schools and hospitals and to provide unrestricted access for humanitarian assistance and to give humanitarian personnel all the facilities required to carry out their work;

9. *Calls on* governments and parties to conflict to meet their obligations in conformity with international law, including international human rights law and international humanitarian law, in particular the obligations set forth in the 1949 Geneva Conventions and their Additional Protocols of 1977 and 2005;

10. *Strongly urges* the IPU to commit to monitoring developments on this issue.